

HOPKINTON PLANNING BOARD
MINUTES
April 12, 2011

Chairman Bruce Ellsworth opened the Hopkinton Planning Board meeting/hearing of Tuesday, April 12, 2011, beginning at 7:00 PM in Hopkinton Town Hall. Members present: Vice Chairman Timothy Britain, Ex-Officio George Langwasser, Michael Wilkey, Celeste Hemingson, Edwin Taylor and Cettie Connolly. Members absent: Jane Bradstreet and Bethann McCarthy.

I. Review of Minutes and Decision of March 10, 2011.

Mrs. Connolly, seconded by Mr. Wilkey, moved to approve the Minutes of March 10, 2011 as presented. With seven members voting, five voted in favor (Britain, Wilkey, Taylor, Connolly and Ellsworth) and two voted in abstention (Hemingson and Langwasser).

Mrs. Connolly, seconded by Mr. Wilkey, moved to approve the Notice of Decision of March 10, 2011 as presented. With seven members voting, five voted in favor (Britain, Wilkey, Taylor, Connolly and Ellsworth) and two voted in abstention (Hemingson and Langwasser) as they were not present at the March 10, 2011 meeting/hearing.

II. Conceptual Consultation(s).

James Powers, owner of approximately 16-acres located on the westerly side of Thain Road, addressed the Planning Board for the purpose of reviewing a three lot conservation subdivision of his property. The property is currently located between the Army Corps of Engineers flood control barricades.

Mr. Powers began by providing a brief history of the flowage easement along Thain Road. In 1959, the Town had agreed to grant ownership and flowage rights to the Army Corps of Engineers; however, in 1962, the Town amended the agreement by retaining ownership of Thain Road and providing a flowage easement over portions of the road. Based on Mr. Powers' research and conversations with representatives of the Army Corps of Engineers, the last time the water had flooded to the point of the location of the existing barricade was in 1987, which was 25 years ago.

Mr. Powers submitted letters from Stephen Dermody, Project Manager for the Hopkinton Everett Lakes, in which he indicates his review of Mr. Powers' request to relocate the barricade to a shared eastern corner boundary. Mr. Dermody indicates in his letter that, "As we had discussed on the telephone, we are willing to place temporary road closure barricades at this location when our reservoir level reaches 398.2 ft. MSL. This will effectively close the portion of Thain Road that is impacted by our operations initially. However, when our Reservoir Control Center anticipates that the reservoir level will exceed 410.5 ft. MSL, the road will be closed at the location of the current barricades. All road closures on the project are done in coordination with the local town highway departments."

Surveyor Joe Wichert addressed the Board on behalf of Mr. Powers to review a conceptual plan of the proposed subdivision. In reviewing the plan, Mr. Wichert had indicated the areas of the flowage easement, the anticipated locations where homes could be constructed on each lot and where a turn-around could be constructed for school buses.

Mrs. Robertson inquired as to how the residents would access their homes should the road be flooded to the current location of the barricade. In response, a co-owner of the property had indicated that residents would have to park and walk to their homes.

Mr. Britain recalled a similar scenario in which a subdivision was approved off Branch Londonderry Turnpike with a condition that the owner makes necessary changes to the road so that during certain times of the year the road is no longer closed due to flooding. Mr. Wichert noted that he was the surveyor for the Branch Londonderry Road project and believes that the scenario is much different than what is now before the Board.

Mr. Powers indicated, if necessary, he would upgrade (raise) that portion of the road within the easement, so that it would not be affected by the flood control project. In response, Mr. Britain suggested that various permits from the Army Corps of Engineers may be necessary. Mr. Wichert disagreed, suggesting that approval from the Corps would not be necessary if they mitigate in-kind.

Lastly, Chairman Ellsworth suggested that, in reviewing an application for the property, the Planning Board will want to hear comments from the Army Corps of Engineers, and Fire and Police departments as a concern will be the ability to access the homes should the road be flooded.

III. Other Business.

- (a) Robert J. & Kimberly A. R. Saunders – In accordance with Hopkinton's Zoning Ordinance, subsection 12.7.2, the Planning Board reviewed a request submitted to the Zoning Board of Adjustment by Robert J. & Kimberly A. R. Saunders to impact 1,300 SF of wetland for the purpose of constructing a residential driveway. The property is located at 2398 Hopkinton Road in the R-3/W-1 districts, Tax Map 240, Lot 12.

Mrs. Robertson reported that the Conservation Commission had discussed Mr. and Mrs. Saunders' request and had no objection provided the proposed two 24" culverts are installed under the proposed driveway.

Following brief discussion, the Planning Board had no additional comments from that which the Conservation Commission had indicated.

- (b) Election of Officers.

*Mr. Britain, seconded by Mrs. Connolly, moved to reappoint Bruce Ellsworth as **Chairman** of the Planning Board. Motion carried unanimously.*

*Mrs. Connolly, seconded by Mr. Wilkey, moved to reappoint Timothy Britain as **Vice Chairman** of the Planning Board. Motion carried unanimously.*

- (c) Planning Board Fees. *The Planning Board unanimously agreed to revise the application fees as follows:*

Major Subdivision.....	\$500.00	Application Fee, \$100.00 per Lot/Unit
Minor Subdivision.....	\$250.00	Application Fee, \$100.00 per Lot/Unit
Lot Line Adjustment/Annexation/Merger	\$100.00	Application Fee
Voluntary Merger	\$50.00	Application Fee
Site Plan Review	\$300.00	Application Fee, \$100.00 per Unit (Res./Non-Res.)
Site Plan Review	\$150.00	Change of Use
Conditional Use Permit.....	\$500.00	Application Fee (Wireless Telecommunications)
Conditional Use Permit.....	\$150.00	Application Fee (Co-Location)
Owner/Applicant/Agent Notice.....	\$10.00	Fee per Address
Abutter Notice	\$10.00	Fee per Address
Newspaper Notice		Actual Cost

A public hearing concerning the revised fees will be held on Tuesday, May 10, 2011.

(d) Site Plan Review Regulations.

Mrs. Robertson is to provide the Planning Board with the draft Site Plan Review Regulations, as recommended by the Site Plan Review Committee, for the Planning Board's review.

IV. Adjournment.

With no other business to come before the Board, Chairman Ellsworth declared the meeting adjourned at 7:55 PM. The next regular scheduled meeting of the Planning Board is Tuesday, May 10, 2011, at 7:00 PM in the Town Hall.

Karen L. Robertson
Planning Director

In accordance with RSA 677:15, any person(s) aggrieved by any decision of the Planning Board concerning application(s) may present to the Superior Court a petition, duly verified, setting forth that such a decision is illegal or unreasonable in whole or part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within thirty (30) days after the Board's final decision regarding the application in question has been filed and becomes available for public inspection in the Planning Office.